

REMARKS

Claims 1-34 are currently pending, of which claims 1-7, 11-13, 15-22, 24, 25, and 29-35 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,499,364 to Klein et al. (hereinafter, "Klein"). More particularly, the examiner has issued a final rejection of claims 1-7, 11-13, 15-22, 24, 25, and 29-34. With respect to the differences between that called for in the instant application and that disclosed by Klein, Applicant incorporates herein the remarks previously presented in the Response to Office Action filed March 2, 2007. Accordingly, for the remainder of this Response, Applicant will present remarks that address that set forth by the Examiner in the "Response to Arguments" section of the final Office Action.

As set forth in the Response to Office Action filed March 2, 2007, Applicant argued that one skilled in the art of distributed control systems would characterize the local knowledge database and the associated programming disclosed by Klein as governing standard agent-type functionality. Responsive thereto, the Examiner stated:

Examiner agrees, however, this knowledge database is also being used to govern the application-specific agent-type functionality as described on page 6 paragraph 13 of the original specification in the current application. Office Action, May 11, 2007, pg. 11.

While the Examiner acknowledges that Klein does not disclose each of the claimed limitations; nevertheless, the Examiner asserts that the local knowledge database disclosed by Klein also governs application-specific agent type functionality and relies upon the disclosure in the present application to support this conclusion. In other words, the Examiner has asserted that Klein teaches that called for in the pending claims because the instant application provides a summarized description of one embodiment of the invention in paragraph 13 of the application.

Paragraph 13 of the instant application summarizes one embodiment of the present invention. It does not explain that disclosed by Klein. More particularly, paragraph 13 summarily describes how communications between agent-type programming (both general and application-specific) and application-specific control programming can occur by way of modifying and reading values stored on a data table existing on an industrial controller. Applicant agrees that Klein teaches a local database, but as acknowledged by the Examiner, the local database and associated programming disclosed by Klein, provides standard agent-type functionality. The database and associated

programming does not govern application specific agent-type functionality. Moreover, because Applicant describes that a database may be used for both general and application-specific communications does not mean, imply, or suggest that the local database of Klein allows for the same functionality. In fact, the Examiner has acknowledged that Klein fails to disclose the application-specific communications limitations recited in the pending claims. The Examiner is not permitted to read certain particulars of the present invention into Klein to account for limitations not found in Klein itself. That would amount to the Examiner relying upon Applicant's own disclosure of its invention in the application to substantiate a rejection, which is clearly not permitted.

For at least these reasons, and as no other issues remain outstanding, Applicant requests timely issuance of a Notice of Allowance for claims 1-34.

The Commissioner is hereby authorized to charge any fees arising as a result of this or any other communication to Deposit Account 50-1170.

Applicant encourages the Examiner to contact the undersigned with any questions regarding this matter to expedite the prosecution of this application.

Respectfully submitted,

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